

8.23.05

To: Honorable Charles B. Swartwood, III

Fr: Heriberto Rodriguez Jr

Re: Ineffective Counsel (no. 05-40006-FDS)

U.S. District Court

2005 AUG 23 AM 8:50

FITCHBURG DISTRICT COURT

Greeting,

I was arraigned in your court March 16th 2005 and ^{was} appointed Walter H. Underhill as my attorney. I was give a date of 3.23.05 for a detention hearing. On that day (23rd) I told Mr Underhill to file for a speedy trial, he told me that he would do so and also informed me that he would visit me at the facility with in (2) two week^s. Mr. Underhill did not file for a speedy trial and visited me (2) month^s later, May 29th to be exact. On said date I asked him to do a couple a couple of other thing^s, among such request I asked that he contact my attorney and attorney of co defendant in Fitchburg district court, contact brother and other witnesses and to send me phone call recording^s (other evidence). He to this date has failed to follow through on any of my request. I called him on 8.3.05 and expressed to him my desire to speak with him in person, which he then assured me that he would visit me with in, 2, two week^s again. Tomorrow will already be, 3) three week^s passed, being the 24th of August. I am asking for your help in this matter and suggest another counsel seeing that I do not have any communication with Underhill and no longer have confidence in his representation.

Respectfully,

Heriberto Rodriguez Jr